

Amendments to the Drawings:

The attached sheets of drawings include changes to Figs. 1 and 2. These sheets, which include Figs. 1 and 2, replace the original sheets including Figs. 1 and 2. Reference numerals 9a, 10a, 11a, 12a, 9b, 10b, 11b and 12b are marked on these drawings to better understand the invention. Approval of this amendment is respectfully requested.

Attachment: Replacement Sheets (2)

REMARKS

The Office Action dated May 16, 2006 has been received and carefully noted. Claims 1-8 were examined. The specification was objected to by the Examiner. Claim 1 was rejected under 35 U.S.C. § 112 and 35 U.S.C. § 103(a) while Claims 2-8 were objected to under 37 CFR § 1.75(c).

Claims 1-2 and 4-8 are amended and entry is requested. Support for amended claims can be found in the specification. As such, no new matter has been added. Claims 1-8 remain pending in the application. The drawings were modified to better understand the invention and are in compliance with 37 CFR § 1.75(c). Replacement drawing sheets for Fig. 1 and 2 are submitted in reply to this Office Action.

Reconsideration of the pending claims is respectfully requested in view of the claim amendment and the following remarks.

I. Specification

The Examiner objected to the disclosure because of informalities. Applicant has amended the informalities identified by the Examiner. Applicant has replaced “and / or” with “and/or” on pages 1, 2, 3, 6, 7 and 8. Also, reference numerals from the figures have been added to the specification on page 5, lines 19 - 25 to better understand the invention. The scope of the invention has not been changed.

Approval of this amendment is respectfully requested.

II. Drawings

The Examiner rejects claim 1 as failing to comply with the enablement requirement and as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as invention under 35 U.S.C § 112. Applicant has amended the drawings to add reference numerals 9a, 9b, 10a, 10b, 11a, 11b, 12a and 12b to Fig. 1 and 12a to Fig. 2. These amendments are made to make the drawings coincide with the specification and claims. Claims are better understood when viewed with the amended drawings.

Applicant requests that the Examiner accept the enclosed replacement sheets for Fig. 1 and Fig. 2.

III. Claims Rejected Under 35 U.S.C. § 112

Claim 1 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner notes that the recitation in claim 1 that recites “... and provided with additional closing means (12b) at the front ends” is neither illustrated in the drawings nor described in the written specification. *See page 4 of the Office Action.*

Applicant has amended claim 1 to use the term “adjustable” to clarify the invention. This is supported in the specification at page 4, lines 7-11 and page 5, lines 9-14 which describe that the posterior part 1 comprises loops on its entire outside face, except the sheaths 6 of the central whalebone, in such a way that the lateral parts 2a, 2b can be fixed to the posterior part 1 in an adjustable way. Also, the drawings, Figs.1 and 2 have been amended to identify the reference 12a. References numerals 9a, 10a, 11a, 9b, 10b and 11b have been introduced in Fig. 1 to clarify the drawing. These amendments describe the subject matter in such a way as to enable one skilled in the art to make and/or use the invention.

Applicant respectfully requests the Examiner to withdraw the rejection of claim 1 under 35 U.S.C. §112, first paragraph.

Claim 1 is also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regard as the invention. The Examiner states that while the claims suggest that the belt does not overlap on the abdominal region of a patient, it does appear that the front free end of the belt are closed on the abdominal region of the patient. *See page 5 of the Office Action.* As advised by the Examiner, Applicant has amended claim 1 to read that the free back end of the lateral parts (2a, 2b) can close the belt without overlap on the abdominal region of the patient. This amendment is fully supported by the specification at page 4, lines 7-11 and page 5, lines 9-14.

Applicant respectfully submits that all claims now particularly point out and distinctly claim the subject matter that Applicant regards as the invention and complies with the enablement requirement. Accordingly, Applicant requests withdrawal of all rejections under 35 U.S.C. § 112.

IV. Claims Rejected Under 35 U.S.C. § 103(a)

Claim 1 is also rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,500,137 (“*Molino et al.*”). To establish a *prima facie* case of obviousness: (1) there must be

some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference; (2) there must be a reasonable expectation of success; and (3) the references when combined must teach or suggest all of the claim limitations. *MPEP* § 2142. Applicant respectfully submits that a *prima facie* case of obviousness has not been established.

The invention is directed to a device for supporting lumbar vertebrae and/or sacrospinal muscles. It includes a posterior lumbar support part (1) obtained from longitudinally elastic fabric to which two lateral parts (2a, 2b) are fixed. The position of the back free ends of the lateral parts on the posterior lumbar support is adjustable. The front free ends can be closed like a belt without overlapping the front free ends on the abdomen of the patient. Two secondary lateral parts (14a, 14b) form an attachment mechanism which attach to two lateral parts (2a, 2b) and to posterior lumbar support part (1) to provide additional tension on the patient's lumbar vertebrae and/or sacrospinal muscles.

On the other hand, *Molino et al.* describes a pelvic region orthotic device and not a lumbar belt as the claimed invention. Specifically, the sacral panel 14 is positioned over the sacral area on the posterior lower back of a patient during use, (*Molino et al.*, col. 3, lines 40-42), and adapted to prevent the pelvic bone from splaying or opening up (col. 2, lines 43-44). Moreover, the sacral panel is made of light and substantially rigid plastic material (col. 3, line 67 – col. 4, line 1). Also, the closing means at the front free ends of lateral parts (posterior connecting elements 20, 22 and 24, 26) of the device in *Molino et al.* do not cooperate with each other on the abdominal region. Closing means at the free ends of the lateral parts cooperate with adjustment chafes 52,54,56,58 and not with each other (col. 4, line 57 – col. 5, line 20). Moreover, the closing means of the back end of the lateral parts are definitely fixed on the sacral panel and therefore not adjustable. (*Molino et al.*, Fig 1, 2 and 4) Even if, one having ordinary skill in the art would substitute fixing means of *Molino et al.* by fixing means as co operating hook and loop material disclosed in the invention, he would obtain a pelvic region orthotic device in which the closing means of the front free ends of the lateral parts would cooperate with the adjustment chafes and not with each other unlike the claimed invention.

Hence, with respect to independent claim 1, Applicant respectfully submits that the teaching of *Molino et al.* describes a pelvic region orthotic device and does not teach or suggest a device for supporting lumbar vertebrae and/or sacrospinal muscles. Applicant respectfully

requests that the Examiner withdraw the outstanding 35 U.S.C. § 103(a) rejection as applied to independent claim 1.

Based on the dependency of claims 2-4 on independent claim 1 which the Applicant believes to be in condition for allowance, no further discussion as to the grounds for traverse for claims 2-4 is warranted. Withdrawal of rejection as applied to claims 2-4 is respectfully requested.

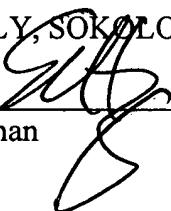
CONCLUSION

In view of the remarks made above, it is respectfully submitted that pending claims 1-8 define the subject invention over the prior art of record. Thus, Applicants respectfully submit that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

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Dated: 10/16, 2006

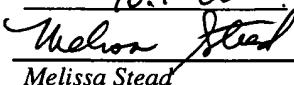

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